

MINUTES
Montana Fish, Wildlife & Parks
Commission Conference Call Meeting
1420 East 6th Avenue – Helena Headquarters
Helena, MT 59620

MAY 27, 2009

Commission Member Present: Ron Moody, Bob Ream, Willie Doll.

Fish, Wildlife & Parks Staff Present: Joe Maurier; Gary Bertellotti; Bill Schenk; Ron Aasheim; Jim Kropp; Regena Peterson; Jessica Fitzpatrick.

Media Present: Susan Gallagher, Associated Press.

Topics of Discussion:

- 1. Opening – Call to Order**
- 2. Floating Closure on Belt Creek in Sluice Boxes State Park – Final**
- 3. Closure of Vigilante Kids Fishing Pond near Virginia City – Final**

1. Call to Order. In the absence of Chairman Colton and Vice-Chairman Vermillion, Commissioner Bob Ream called the conference call meeting to order at 8:30 am.

Director Maurier explained that two recent situations required immediate action by the Department, both related to imminent danger on water bodies. FWP issued closure notices in the interest of public safety, and today seeks Commission approval of those closures.

2. Floating Closure on Belt Creek in Sluice Boxes State Park – Final. A large and dangerous logjam developed on Belt Creek in a narrow canyon located in the Park, therefore FWP has closed the seven-mile stretch of water to recreational floating. The logjam is large and does not appear that it will break free soon, but until the area is clear, FWP personnel believe it is unsafe for floating. FWP implemented the emergency floating closure until the logjam clears. The Park is open for normal uses other than floating.

Action: Ream moved and Doll seconded the motion to approve closing Belt Creek in Sluice Boxes State Park to floating until the logjam has cleared and no longer poses a risk to public safety. Motion carried.

3. Closure of Vigilante Kids Fishing Pond near Virginia City – Final. The Vigilante Kids Fishing Pond and picnic area at Virginia City was closed to the public due to potential failure of the dam above the pond on Alder Creek. Inspection of the dam indicated that it is in danger of being breached, making it unsafe for public use. Heavy runoff and the absence of a spillway increase the danger of the dam's failure. The pond and picnic area will remain closed until repairs are made to the dam and the area is once again safe for public use.

Action: Doll moved and Ream seconded the motion to approve closure of Vigilante Kids Fishing Pond near Virginia City until the dam on Alder Creek has been repaired and the risk to public safety has been removed. Motion carried.

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Director Maurier stated that the assembling of a quorum of Commissioners to address public safety issues in emergency situations is not an efficient process. In the recent past, the Commission has delegated authority to the Director and the district Commissioner to close water bodies to public recreational use in circumstances of drought and fire, however it would be beneficial to expand that authority to include other issues as well. Maurier stated that he and the Legal Unit are working to develop an improved process for dealing with emergency issues that will be presented to the Commission for discussion and approval. In the meantime, FWP will err on the side of safety.

Ream stated that any time human lives are in danger, FWP should be able take immediate action without the inconvenience of seeking Commission approval first.

Doll said the Commission authorized the Director to implement and remove emergency closures last year.

Joe replied that that authorization was specific to fire and drought. There is a need to conduct further research to cover all types of situations.

Ream recommended that the Commission authorize the Director to take any necessary action that may be required to address potential flooding issues throughout Montana this year.

*Action: Ream moved and Moody seconded the motion to provide the FWP Director with the authority to institute closures when necessary for public safety reasons, and the authority to remove those closures when the threat to public safety is no longer imminent, for the remainder of the 2009 flood season. Motion carried.*

*Action: Ream moved and Moody seconded the motion to adjourn. Motion carried.*

The conference call meeting adjourned at 8:45 a.m.

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**Bob Ream, Acting Chairman**

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**Joe Maurier, Director**